

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Department of Health and Environment
Agency

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Agency Contact

296-1291
Contact Phone Number

K.A.R. 28-17-6 and K.A.R. 28-17-12
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 28-17-6. Fees for copies, abstracts and searches; specifies fees for certified copies and other services provided per the statutory responsibility of the Kansas civil registration system (vital records).

K.A.R. 28-17-12. Delayed certificate of birth filing fee; specifies fee for filing and registering a delayed certificate of birth.

The Kansas Department of Health and Environment, Office of Vital Statistics (OVS), is statutorily responsible for the registration, certification and issuance of all Kansas vital records (birth, death, stillbirth, marriage, divorce). Each year, approximately 100,000 new vital records are filed and 351,000 certified copies are issued to fulfill the state's civil registration responsibilities. This program is financially supported by fees collected for copies and services and contractual agreements made with state and federal partners.

Due to the increased costs to maintain a state wide registration system in the cloud, the OVS is proposing amendments to K.A.R. 28-17-6 and K.A.R. 28-17-12 increasing the fees for birth, death, marriage and divorce certificates. OVS is seeking an increase in fees to assure financial solvency for the civil registration program function. In addition, fees are increased for filing and registering delayed certificates of birth & foreign born.

Due to a customer service focus and strategic investments in information technology, Kansans experience excellent service from their state's vital records office, typically with certified copies provided within 15 minutes of submitting a walk-in application. A standard mail-in request is sent out within a week of receipt. Will-call orders are ready the next day. As a central issuance office, OVS offers a variety of mechanisms whereby Kansas citizens can acquire their vital record via remote ordering. Subsequently, innovative, web-based reporting processes result in hospitals, funeral homes and courthouses reporting the majority of vital events occurring in Kansas within 5 days of the event. Kansas is a leader in the nation for vital statistics reporting and quality of service with numerous entities depending on these records including the Secretary of State (voter registration), Medicaid program (citizenship verification), CDC programs and KPERS.

Starting in SFY 2022, OVS will have expenses that exceed the current fee structure. The funds in the civil registration fee fund will not be

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sufficient to cover the increased cost to maintain a state wide registration system in the new cloud services, along with the added expense to maintain the OVS certificate issuance system in the state cloud. Customers will not be requesting as many additional copies of vital records, once Real ID is completed. The registration system in the cloud is necessary for the expanding user base of over 12,250 users, which includes, physicians, attorneys, court clerks, birth clerks, etc. Users are added to the registration system each day and OVS staff duties have increased to meet the needs of these users. If OVS does not raise fees and continues at the current fee structure, OVS will experience a revenue shortfall of over \$620,000 in SFY 2022 with a \$1,800,000 shortfall in SFY 2023.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This regulation is not mandated by the federal government. All contiguous states charge fees for birth, death, stillbirth, marriage and divorce certificates, although the amounts from state to state differ.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed amended regulation will neither enhance nor restrict business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

OVS proposes to increase fees for all vital records from \$15 per copy to \$20 per copy to support operations for the civil registration program. This will impact members of the public that purchase birth, death, stillbirth, marriage and divorce certificates. Filing a delayed birth & foreign-born certificate will increase from \$20 to \$30.

C. Businesses that would be directly affected by the proposed rule and regulation;

This rule and regulation change won't directly affect businesses.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

If the fee per certificate is not increased, OVS will not be able to meet statutory requirements.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

No other option exists to minimize the cost.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are

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reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There will be an estimated \$1,755,000 increase in costs (from \$15 to \$20 for each certificate) that will be incurred by members of the public that purchase birth, death, marriage, divorce certificates.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There will be a \$1,755,000 annual increase in costs of certificates.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☒ NO ☐

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

An average of 351,000 certificates are issued by OVS each year.

SFY2023 - 351,000 (certs) x \$15 (current cert fee) = \$5,265,000

SFY2023 - 351,000 (certs) x \$20 (current cert fee) = \$7,020,000

(\$20) \$7,020,000.00 – (\$15) \$5,265,000 = \$1,755,000 (increase)

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☒ NO ☐

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

The proposed amended regulation will have no effect on the cities, counties or school districts within the state. However, when a notice of hearing for a set of regulations is published in the Kansas Registrar, standard agency procedure is followed and the three organizations are contacted electronically for comment with attached copies of the regulation, economic impact statement and published notice of hearing.

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- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The agency solicited information concerning fee structure from other state vital record offices and how they determined their fee amounts.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

N/A

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